

19 CRIM  
ORIGINAL

780

AO 98 (Rev. 12/11) Appearance Bond

## UNITED STATES DISTRICT COURT

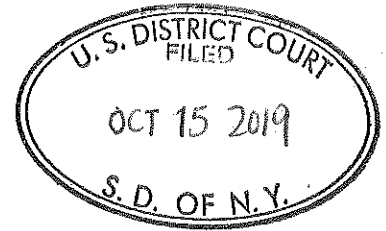
for the

Southern District of New York

United States of America )

v. )

19 MAG 9341

SYLVIA ASH )*Defendant* )

## APPEARANCE BOND

DOC # 5

## Defendant's Agreement

I, SYLVIA ASH (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ( ☒ ) to appear for court proceedings;
- ( ☒ ) if convicted, to surrender to serve a sentence that the court may impose; or
- ( ☒ ) to comply with all conditions set forth in the Order Setting Conditions of Release.

## Type of Bond

- ( ☒ ) (1) This is a personal recognizance bond.
- ( ☐ ) (2) This is an unsecured bond of \$ \_\_\_\_\_.
- ( ☒ ) (3) This is a secured bond of \$ 500,000.00, secured by:
  - ( ☒ ) (a) \$ 100,000.00, in cash deposited with the court.

- ( ☒ ) (b) the agreement of the defendant and each surety to forfeit the following cash or other property (*describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value*):

RESIDENCE IN BROOKLYN

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- ( ☐ ) (c) a bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):

## Forfeiture or Release of the Bond

*Forfeiture of the Bond.* This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

### Declarations

*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

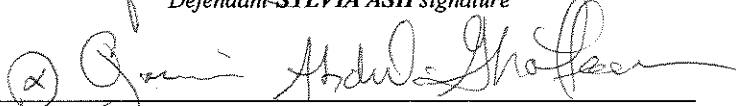
- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

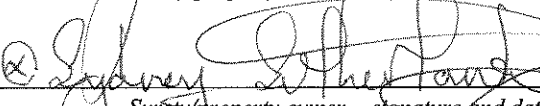
I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 10/11/19 **OCT 15 2019**

  
Defendant **SYLVIA ASH** signature

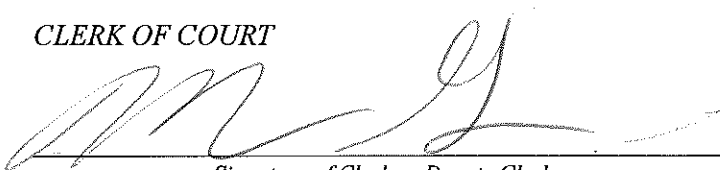
  
Surety/property owner – signature and date

  
Surety/property owner – signature and date

  
Surety/property owner – signature and date

  
Surety/property owner – signature and date

CLERK OF COURT

  
Signature of Clerk or Deputy Clerk -

Date: 10/11/19 **OCT 15 2019**

Approved.

Date: 10/11/19 **OCT 15 2019**

  
AUSA ELI MARK

UNITED STATES DISTRICT COURT  
for the

Southern District of New York

United States of America

v.

**SYLVIA ASH**

*Defendant*

Case No. **19 MAG 9341**

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: \_\_\_\_\_

*Place*

on \_\_\_\_\_

*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ( ☐ ) (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian

Date

- ( ☒ ) (7) The defendant must:

- ( ☒ ) (a) submit to supervision by and report for supervision to the **PRETRIAL SERVICES AS DIRECTED**, telephone number \_\_\_\_\_, no later than \_\_\_\_\_.

- ( ☒ ) (b) continue or actively seek employment.

- ( ☐ ) (c) continue or start an education program.

- ( ☒ ) (d) surrender any passport to: **PRETRIAL SERVICES**

- ( ☒ ) (e) not obtain a passport or other international travel document.

- ( ☒ ) (f) abide by the following restrictions on personal association, residence, or travel: **SDNY & EDNY**

- ( ☐ ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: **NO CONTACT WITH ANY CURRENT OR FORMER MCU BOARD MEMBERS, SUPERVISORY COMMITTEE MEMBERS OR OFFICERS, EXCEPT IN THE PRESENCE OF COUNSEL;**  
**NO CONTACT WITH ANY WITNESSES EXCEPT IN THE PRESENCE OF COUNSEL**

- ( ☐ ) (h) get medical or psychiatric treatment: \_\_\_\_\_

- ( ☐ ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_

- ( ☐ ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

- ( ☐ ) (k) not possess a firearm, destructive device, or other weapon.

- ( ☐ ) (l) not use alcohol ( ☐ ) at all ( ☐ ) excessively.

- ( ☐ ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- ( ☐ ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- ( ☐ ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- ( ☐ ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

- ( ☐ ) (i) **Curfew.** You are restricted to your residence every day ( ☐ ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ☐ ) as directed by the pretrial services office or supervising officer; or

- ( ☐ ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

- ( ☐ ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

- ( ☒ ) (q) submit to location **GPS** monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

- ( ☒ ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

- ( ☐ ) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

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**ADDITIONAL CONDITIONS OF RELEASE**

- (☒) (s) **\$500,000.00 PRB; CO-SIGNED BY 3 FRP'S; SECURED BY \$100,000.00 CASH/PROPERTY (BROOKLYN RESIDENCE); TRAVEL LIMITS INCLUDE THE SDNY & EDNY; SURRENDER OF TRAVEL DOCUMENTS AND NO NEW APPLICATIONS; PRETRIAL SUPERVISION AS DIRECTED BY PTS; ELECTRONIC GPS MONITORING; DEFENDANT IS TO PAY ALL OR PART OF THE COST OF THE LOCATION MONITORING AS DETERMINED BY PTS; DEFENDANT IS TO CONTINUE OR SEEK EMPLOYMENT; DEFENDANT IS TO SEEK EMPLOYMENT; NO CONTACT WITH ANY CURRENT OR FORMER MCU BOARD MEMBERS, SUPERVISORY COMMITTEE MEMBERS OR OFFICERS, EXCEPT IN THE PRESENCE OF COUNSEL; NO CONTACT WITH ANY WITNESSES EXCEPT IN THE PRESENCE OF COUNSEL; LOCATION MONITORING SUPPORTED BY STAND ALONE GPS. DEFENDANT TO BE RELEASED UPON OWN SIGNATURE PLUS THE SIGNATURE OF 1 FRP OR THE POSTING OF THE SECURITY OF THE BOND AND THE FITTING OF THE ANKLE BRACELET. ALL REMAINING CONDITIONS TO BE MET BY 10/18/19. \*\*\* BOND CONDITIONS MODIFIED BY USDJ KAPLAN ON 12/16/2019: Removing electronic monitoring bracelet upon the signing of the new bond and filing of an amended confession of judgment.**
-

**ADDITIONAL CONDITIONS OF RELEASE**

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As to Bail Modification

12/16/19  
m

Sylvia G. Ash  
Sylvia Ash

12/17/19  
m

Julia Collis  
Julia Collis

12/18/19  
(M6)

X Qassim Abdul-Ghaffar  
Qassim Abdul-Ghaffar

12/18/19  
(M6)

X Sylvan F. Richard  
Sylvan F. Richard

**ADVICE OF PENALTIES AND SANCTIONS**TO THE DEFENDANT: **SYLVIA ASH** **19 MAG 9341** **October 15, 2019****YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

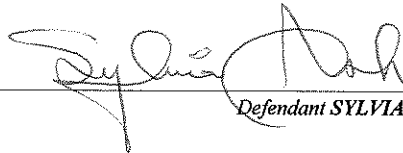
- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

**DEFENDANT RELEASED**

X 

Defendant SYLVIA ASH Signature -

City and State

**Directions to the United States Marshal**

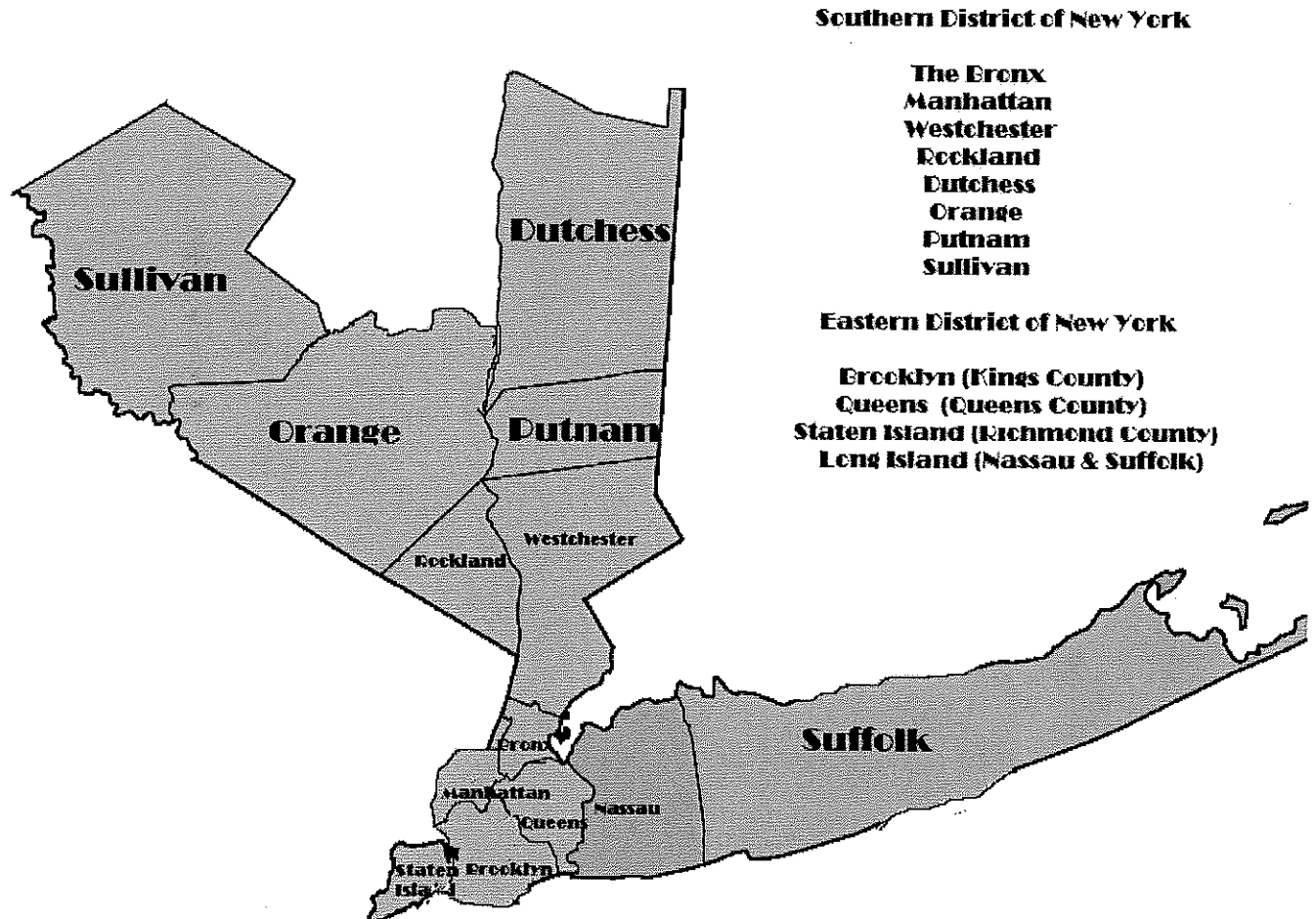
- ( ☐ ) The defendant is ORDERED released after processing.
- ( ☐ ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: \_\_\_\_\_

Judicial Officer's Signature

Printed name and title







DOCKET No. 19mag9341DEFENDANT Sylvia Ash

ORIGINAL

AUSA Eli MarkDEF.'S COUNSEL Roger Archibald☐ INTERPRETER NEEDED☒ RETAINED ☐ FEDERAL DEFENDERS ☐ CJA ☐ PRESENTMENT ONLY☐ DEFENDANT WAIVES PRETRIAL REPORT☒ Rule 5 ☐ Rule 9 ☐ Rule 5(c)(3) ☐ Detention Hrg.DATE OF ARREST 10/11/19☐ VOL. SURR.☐ Other: \_\_\_\_\_TIME OF ARREST 10:50am☐ ON WRITTIME OF PRESENTMENT 4:50 pm**BAIL DISPOSITION**☐ DETENTION ON CONSENT W/O PREJUDICE☐ DETENTION: RISK OF FLIGHT/DANGER☐ SEE SEP. ORDER☐ DETENTION HEARING SCHEDULED FOR: \_\_\_\_\_☒ SEE TRANSCRIPT☐ AGREED CONDITIONS OF RELEASE☐ DEF. RELEASED ON OWN RECOGNIZANCE☒ \$500,000 PRB ☒ 3 FRP☒ SECURED BY \$100,000 or CASH/PROPERTY: residence in Brooklyn☒ TRAVEL RESTRICTED TO SDNY/EDNY/☐ TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES☒ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)☒ PRETRIAL SUPERVISION: ☐ REGULAR ☐ STRICT ☒ AS DIRECTED BY PRETRIAL SERVICES☐ DRUG TESTING/TREATMT AS DIRECTED BY PTS ☐ MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS☐ DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☒ ELECTRONIC MONITORING ☒ GPS☒ DEF. TO PAY ALL OF PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES☒ DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] ☐ DEF. TO CONTINUE OR START EDUCATION PROGRAM☐ DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON☐ DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET☒ DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: See below; REMAINING CONDITIONS TO BE MET BY: 10/18/19**ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:**

No contact with any current or former MCU Board members, supervisory committee members or officers, except in the presence of counsel.

No contact with any other witnesses except in presence of counsel. Location monitoring supported by Stand alone GPS

Def can be released on 1) FRP signature or posting of the security for the bond; and 2) fitting of the ankle bracelet.

Remaining conditions to be met 10/18/19.

☐ DEF. ARRAIGNED; PLEADS NOT GUILTY☐ CONFERENCE BEFORE D.J. ON \_\_\_\_\_☐ DEF. WAIVES INDICTMENT☐ SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL \_\_\_\_\_**For Rule 5(c)(3) Cases:**☐ IDENTITY HEARING WAIVED☐ DEFENDANT TO BE REMOVED☐ PRELIMINARY HEARING IN SDNY WAIVED☐ CONTROL DATE FOR REMOVAL: \_\_\_\_\_PRELIMINARY HEARING DATE: 11/1/19☐ ON DEFENDANT'S CONSENTDATE: 10/11/19

UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.

**CARTER LEDYARD & MILBURN LLP**  
*Counselors at Law*

G. Michael Bellinger  
Partner  
Direct Dial 212-238-8665  
E-mail: bellinger@clm.com

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New York, NY 10005-2072

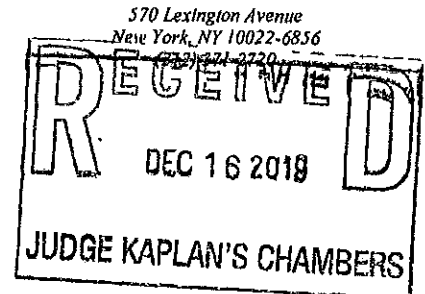
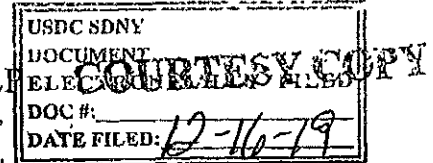
Tel (212) 732-3200  
Fax (212) 732-3232

December 13, 2019

**BY ECF**

The Honorable Lewis A. Kaplan  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10005

**MEMO ENDORSED**



Re: **United States v. Sylvia Ash, 19-cr-780 (LAK)**

Dear Judge Kaplan:

We represent Ms. Sylvia Ash in the above referenced matter. We respectfully request that the Court modify Ms. Ash's bail conditions to remove her electronic GPS monitoring bracelet. The government, by Assistant United States Attorney Eli Mark, and Pretrial Services, by Joshua Rothman, do not oppose this request.

On October 11, 2019, Magistrate Judge Wang set Ms. Ash's current bail conditions. Ms. Ash was released on a bond of five hundred thousand dollars (\$500,000), secured by Ms. Ash's residence in Brooklyn, and co-signed by three financially responsible persons. Her travel was restricted to the SDNY and EDNY, and she was subjected to electronic GPS monitoring. She also surrendered her travel documents to Pretrial Services.

Ms. Ash requests that these bail conditions be modified to remove the electronic monitoring bracelet. As a precondition to that modification, Ms. Ash agrees to increase the secured bond amount to seven hundred fifty thousand dollars (\$750,000) and for the bond to be co-signed by four financially responsible persons. Neither the government nor Pretrial Services oppose this proposal.

Removal of Ms. Ash's electronic monitoring bracelet is consistent with the objectives of the Bail Reform Act, and we respectfully request that the Court grant that modification and order the removal of her electronic monitoring bracelet upon the signing of the new bond and filing of an amended confession of judgment.

Respectfully submitted,

*G. Michael Bellinger*  
G. Michael Bellinger

Cc: AUSA Eli Mark (via ECF)  
AUSA Daniel Richenthal (via ECF)

SO ORDERED

*Graded on your report*  
*Lewis A. Kaplan*  
LEWIS A. KAPLAN/USDC  
12/16/19



U.S. Department of Justice

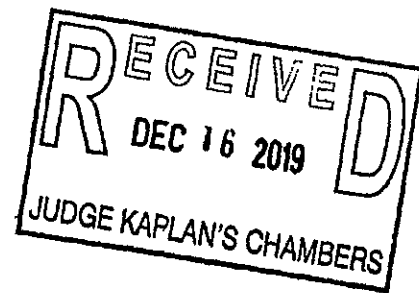
United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

December 16, 2019

The Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *United States v. Sylvia Ash*,  
19 Cr. 780 (LAK)



Dear Judge Kaplan:

The Government respectfully writes in the above-captioned matter in brief response to the defendant's letter motion of December 13, 2019 (Dkt. No. 21) requesting a modification of her conditions of release pending trial. As indicated in the defendant's letter, the Government does not object to the defendant's request.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

By: s/ Eli J. Mark/Daniel C. Richenthal  
Eli J. Mark  
Daniel C. Richenthal  
Assistant United States Attorneys  
(212) 637-2431/2109  
Alona Katz  
Special Assistant United States Attorney

cc: (by email)

G. Michael Bellinger, Esq.